



PTO/SB/21 (09-04) (AW 10/2004)

Approved for use through 7/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 10

| | |
|----------------------|------------------------|
| Application Number | 10/550,539 |
| Filing Date | September 22, 2005 |
| First Named Inventor | Yoshiaki Komma, et al. |
| Art Unit | 2626 |
| Examiner Name | To Be Assigned |
| Attorney Docket No. | MTS-3563US |

ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment/Reply
 - ☐ After Final
 - ☐ Affidavits/Declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/
Incomplete Application
 - ☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a
Provisional Application
- ☐ Power of Attorney, Revocation,
Change of Correspondence
Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
 - ☐ Landscape Table on CD

- ☐ After Allowance Communication
to TC
- ☐ Appeal Communication to Board
of Appeals and Interferences
- ☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply
Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please
identify below): Request for
Corrected Filing Receipt; Copy
of Filing Receipt; Copy of Pages
1-2 of Preliminary Amendment;
Copy of Declaration/Power of
Attorney; Return Receipt
Postcard

Remarks:**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

| | |
|--------------|--------------------|
| Firm Name | RatnerPrestia |
| Signature | |
| Printed Name | Lawrence E. Ashery |
| Date | September 25, 2006 |

Registration No. 34,515

CERTIFICATE OF TRANSMISSION / MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

| | | | |
|-----------------------|-------------------|------|--------------------|
| Signature | | Date | September 25, 2006 |
| Typed or Printed Name | Donna M. Wellings | | |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Yoshiaki Komma, et al.

Serial No.: 10/550,539

Group No.: 2626

Filed: September 22, 2005

Examiner: To Be Assigned

For: OPTICAL PICKUP DRIVING APPARATUS AND OPTICAL PICKUP BEAM
SPOT POSITIONING METHOD (as amended)

Filing Receipt Corrections
Office of Initial Patent Examination
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CORRECTED FILING RECEIPT

1. Attached is a copy of the official filing receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.

2. There is an error with respect to the following data:

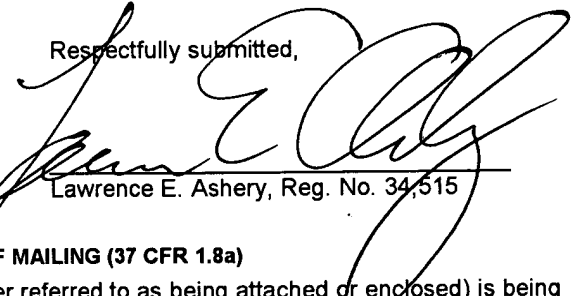
☒ Incorrectly entered *and/or* ☐ omitted

| <i>Error in</i> | <i>Correct data</i> |
|---|---|
| 1. <input type="checkbox"/> Applicant's name | 1. |
| 2. <input type="checkbox"/> Applicant's address | 2. |
| 3. <input checked="" type="checkbox"/> Title (as indicated on attached copy of Declaration/POA and Preliminary Amendment) | 3. OPTICAL PICKUP DRIVING APPARATUS AND OPTICAL PICKUP BEAM SPOT POSITIONING METHOD |
| 4. <input type="checkbox"/> Filing Date | 4. |
| 5. <input type="checkbox"/> Serial Number | 5. |
| 6. <input type="checkbox"/> Foreign/PCT Application Reference | 6. |
| 7. <input type="checkbox"/> Other | 7. |

3. No fee is due.

RatnerPrestia
P. O. Box 980
Valley Forge, PA 19482-0980
(610) 407-0700

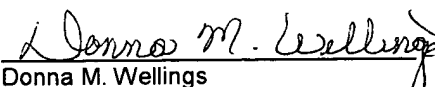
Respectfully submitted,


Lawrence E. Ashery, Reg. No. 34,515

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Filing Receipt Corrections, Office of Initial Patent Examination, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: September 25, 2006

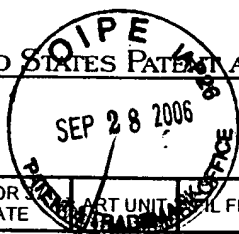

Donna M. Wellings

Enclosures: Copy of Declaration/Power of Attorney
Copy of Pgs. 1-2 of Preliminary Amendment

MTS-3563US



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| APPL NO. | FILING OR (c) DATE | PART UNIT | FILE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|--------------------|-----------|------------|--------------------------|----------|----------|----------|
| 10/550,539 | 09/22/2005 | 2626 | 29 | RATNERPRESTIA MTS-3563US | 15 | 54 | 2 |

23122
 RATNERPRESTIA
 P O BOX 980
 VALLEY FORGE, PA 19482-0980

JUN 19 2006

CONFIRMATION NO. 5417 ✓

FILING RECEIPT



OC000000019165386

Date Mailed: 06/12/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Yoshiaki Komma, Osaka, JAPAN ✓
 Akira Yoshikawa, Nara, JAPAN; ✓

COPY

Power of Attorney: The patent practitioners associated with Customer Number 23122.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP04/14673 09/29/2004 ✓

Foreign Applications

JAPAN 2003-345398 10/03/2003 ✓

If Required, Foreign Filing License Granted: 06/07/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/550,539**

Projected Publication Date: 09/14/2006

Non-Publication Request: No

Early Publication Request: No

Title

mem
 6-15-06

Optical pickup driving device and optical pickup focus pull-in method

Preliminary Class
369

Optical Pickup Driving Apparatus
and Optical Pickup Beam Spot
Positioning Method

title
different
in Pattery

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

COPY

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

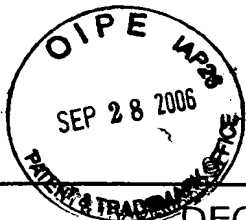
This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

COPY

**DECLARATION/
POWER OF ATTORNEY
FOR UTILITY OR DESIGN
PATENT APPLICATION**

- ☒ Declaration Submitted With Initial Filing (37 CFR 1.63) ☐ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required) ☐ Supplemental Declaration (37 CFR 1.67)

Attorney Docket Number: MTS-3563US

First Named Inventor: Yoshiaki KOMMA

COMPLETE IF KNOWN

Application Number: To Be Assigned

Filing Date: Herewith

Art Unit:

Examiner Name:

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **OPTICAL PICKUP DRIVING APPARATUS AND OPTICAL PICKUP BEAM SPOT POSITIONING METHOD**

the specification of which

(Title of the Invention)

☐ is attached hereto**OR**☒ was filed on (MM/DD/YYYY) 09/29/2004 as United States Application or PCT International Application Number PCT/JP2004/014673

and was amended on (MM/DD/YYYY) _____ (if applicable). I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? | |
|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|-------------------------------------|
| | | | | Yes | No |
| 2003-345398 | JAPAN | 10/03/2003 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

Declaration/Power Of Attorney for Utility or Design Patent Application (continued)

I hereby appoint:

☒ Practitioners at Customer Number **23122**

OR

☐ Practitioner(s) named below:**COPY**

| Name | Registration Number |
|------|---------------------|
| | |
| | |
| | |
| | |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

| | | |
|---|---|---------------------|
| Direct all correspondence to: | <input checked="" type="checkbox"/> Practitioners Customer Number listed above; OR <input checked="" type="checkbox"/> Correspondence Address Below | |
| Name: RatnerPrestia | | |
| Address: P. O. Box 980 | | |
| City: Valley Forge | State: PA | Zip: 19482 |
| Country: USA | Telephone: (610) 407-0700 | Fax: (610) 407-0701 |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. | | |

| | | | |
|---|--------|--|--------------------|
| Name of Sole or First Inventor: | | <input type="checkbox"/> A Petition has been filed for this unsigned inventor. | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| Yoshiaki | | KOMMA | |
| Inventor's Signature <i>Yoshiaki Komma</i> | | Date: September 8, 2005 | |
| Residence: Osaka | State: | Country: JAPAN | Citizenship: JAPAN |
| Mailing Address: 1-36-7, Kuzuha-mendori-cho, Hirakata-shi | | | |
| Mailing Address: | | | |
| City: Osaka | State: | Zip: 573-1113 | Country: JAPAN |
| <input checked="" type="checkbox"/> Additional inventors are listed on the next page. | | | |

Declaration/Power Of Attorney for Utility or Design Patent Application (continued)

| | | | |
|--|--------|--|--------------------|
| Name of Second Inventor: | | <input type="checkbox"/> A Petition has been filed for this unsigned inventor. | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| Akira | | YOSHIKAWA | |
| Inventor's Signature <u>Akira Yoshikawa</u> | | Date: September 8, 2005 | |
| Residence: NARA | State: | Country: JAPAN | Citizenship: JAPAN |
| Mailing Address: 3-3-10, Tomiokita, Nara-shi | | | |
| Mailing Address: | | | |
| City: NARA | State: | Zip: 631-0076 | Country: JAPAN |
| Name of Third Inventor: | | <input type="checkbox"/> A Petition has been filed for this unsigned inventor. | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| | | | |
| Inventor's Signature | | Date: | |
| Residence: | State: | Country: | Citizenship: |
| Mailing Address: | | | |
| Mailing Address: | | | |
| City: | State: | Zip: | Country: |
| Name of Fourth Inventor: | | <input type="checkbox"/> A Petition has been filed for this unsigned inventor. | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| | | | |
| Inventor's Signature | | Date: | |
| Residence: | State: | Country: | Citizenship: |
| Mailing Address: | | | |
| Mailing Address: | | | |
| City: | State: | Zip: | Country: |
| <input type="checkbox"/> Additional inventors are listed on Supplemental Sheet(s). | | | |



MTS-3563US

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: To Be Assigned
Applicant: Y. Komma et al.
Filed: Herewith
Title: OPTICAL PICKUP DRIVE DEVICE AND OPTICAL PICKUP FOCUS PULL-IN METHOD
TC/A.U.:
Examiner:
Confirmation No.:
Docket No.: MTS-3563US

PRELIMINARY AMENDMENT

COPY

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Prior to examination, please amend the above-identified application as follows:

- ☒ **Amendments to the Title** begin on page 2 of this paper.
- ☒ **Amendments to the Specification** begin on page 3 of this paper.
- ☒ **Amendments to the Claims** are reflected in the listing of claims which begins on page 13 of this paper.
- ☒ **Amendments to the Drawings** begin on page 19 of this paper and include attached replacement sheets.
- ☒ **Amendments to the Abstract** are on page 20 of this paper. A clean version of the Abstract is on page 22 of this paper.
- ☒ **Remarks/Arguments** begin on page 21 of this paper.

DLM_I:\MTS\3563US\PRELIMINARY_AMENDMENT.DOC

Amendments to the Title:

Please replace the title with the following:

~~OPTICAL PICKUP DRIVE DEVICE AND OPTICAL PICKUP FOCUS PULL-IN METHOD~~
OPTICAL PICKUP DRIVING APPARATUS AND OPTICAL PICKUP BEAM SPOT POSITIONING
METHOD



COPY